Appl. No. 09/824,650   Date: January 19, 2005
Examiner: Pyzocha, Michael J, Art Unit 2137   Attorney Docket No. 10112081
In response to the Office Action dated November 3, 2004

REMARKS

Applicant thanks the Examiner for acknowledging Applicant's claim to foreign priority and receipt of the certified copy of the priority document. Responsive to the Office Action mailed on November 3, 2004 in the above-referenced application, Applicant respectfully requests amendment of the above-identified application in the manner identified above and that the patent be granted in view of the arguments presented. No new matter has been added by this amendment.

Present Status of Application

Claims 1-29 are pending in the application. The specification is objected to for informalities. Claims 21-22 and 26 are objected to for informalities. Claims 1, 4, 7-11, 16, 18-19, 21-24, 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Payton (U.S. 5,737,009) in view of Wyard (U.S. 6,867,144). Claims 2-3 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Payton in view of Wyard and in further view of Massey et al (GB 2,331,814). Claims 5, 17, 20, 25, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Payton and Wyard system and further in view of Menezes et al (Handbook of Applied Cryptography).

In this paper, the specification is amended according to the suggestion of the Examiner. Claims 1, 21-22 and 26 are amended to correct typographical errors. Applicant submits that the objections to the specification and claims are thereby overcome.

Page 13 of 21

Appl. No. 09/824,650
Examiner: Pyzocha, Michael J, Art Unit 2137
In response to the Office Action dated November 3, 2004

Date: January 19, 2005
Attorney Docket No. 10112081

Reconsideration of this application is respectfully requested in light of the amendments and the remarks contained below.

Rejections Under 103(a)

Claims 1, 4, 7-11, 16, 18-19, 21-24, 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Payton in view of Wyard. Applicant respectfully traverses the rejections made by the Examiner for the reasons discussed below.

Payton teaches an on-demand digital information delivery system and method using signal fragmentation and linear/fractal sequencing. In the method, a subscriber interface 44 transmits a request for a selection. See column 5, lines 13-25. A decrypter 48 decrypts each channel of a data stream 37 as it is received by a receiver and passes the decrypted data fragments to a fragment splitter 46. See column 5, lines 26-29 of Payton. The fragment splitter writes the decrypted data fragments to a buffer 50, which in turn writes them to a local storage 52. See column 5, lines 34-36 of Payton.

Wyard teaches a method and system for the direct manipulation of information involving a drag-and-drop operation.

MPEP 2142 reads in part:

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the

Appl. No. 09/824,650
Examiner: Pyzocha, Michael J, Art Unit 2137
In response to the Office Action dated November 3, 2004

Date: January 19, 2005
Attorney Docket No. 10112081

reference or to combine reference teachings. Second, there must be a reasonable

expectation of success. Finally, the prior art reference (or references when combined)

must teach or suggest all the claim limitations. The teaching or suggestion to make the

claimed combination and the reasonable expectation of success must both be found in

the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20

USPQ2d 1438 (Fed. Cir. 1991).

<u>The proposed combination of the digital information system of Payton with the drag-and-drop</u>

<u>operation of Wyard to decrypt the data stream relied upon in the rejections of claims 1, 9, 18,</u>

<u>21, 22 and 26 would change the principle of operation of the Payton system.</u>

If the proposed modification or combination of the prior art would change the principle of

operation of the prior art invention being modified, then the teachings of the references are not

sufficient to render the claims prima facie obvious. See MPEP 2143.01 and *In re Ratti*, 270 F.2d

810, 123 USPQ 349 (CCPA 1959), in which the court held the "suggested combination of

references would require a substantial reconstruction and redesign of the elements shown in

[the primary reference] as well as a change in the basic principle under which the [primary

reference] construction was designed to operate."

Claim 1 recites a system for data encryption/decryption in a client-server architecture

comprising a decryption module represented as a designated icon comprising a detection unit

for sending a decryption signal as said designated icon is positioned on said window interface

and a decryption unit for starting decrypting said encrypted channels. Claim 9 recites a system

for data encryption/decryption in a client-server architecture comprising a client apparatus for

Appl. No. 09/824,650
Examiner: Pyzocha, Michael J, Art Unit 2137
In response to the Office Action dated November 3, 2004

Date: January 19, 2005
Attorney Docket No. 10112081

receiving said channels, comprising a channel-receiving unit for said channels, said client

apparatus accessing a decryption unit, moving said decryption unit onto the top layer of said

channel-receiving unit and starting said channel decrypted. Claim 18 recites a system for data

encryption/decryption in a client-server architecture comprising a decryption unit represented as

a icon for decryption and required to be moved onto the top layer of receiving unit of the channel

to start said decryption. Claim 21 recites a system for data encryption/decryption in a client-

server architecture and differentiating said data into a plurality of channels, comprising a service

system for transmitting said channels, encrypting the channels separately and offering

corresponding a plurality of decryption unit for the use of decryption, wherein said decryption

unit is represented as a icon and requires to be moved onto a window interface of said channel

to start encryption, and said decryption unit temporarily stores and displays said channels

decrypted. Claim 22 recites a method for data encryption/decryption in a client-server

architecture comprising steps of moving a decryption icon of said data encrypted onto top layer

of said window interface; and executing decryption and displaying said data decrypted on a

decrypted window provided by the designated icon. Claim 26 recites a method for data

encryption/decryption in a client-server architecture comprising steps of moving said a

decryption unit onto said encrypted channels and generating said channels decrypted at said

client.

In the rejection of claim 1, the office action states:

> Payton fails to disclose the decryption module represented as an icon comprising: a
>
> second interface unit for controlling said designated icon; the display of a second

detection unit for sending a decryption signal as said designated icon is positioned on said window interface.

Wyard teaches the use of dragging and dropping an icon onto a window to perform a desired result ...

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use Wyard's method of dragging and dropping an icon to perform Payton's decryption.

Motivation to do so would have been to allow a user the option to perform an option based on the drag and drop ...

A similar combination is made in connection with claims 9, 18, 21, 22 and 26.

In the Payton system, each channel of a data stream 37 is decrypted by decrypter 48 *as it is received by a receiver*. The decrypted data fragments are then passed to a fragment splitter 46. The fragment splitter writes the decrypted data fragments to a buffer 50, which in turn writes them to a local storage 52. A reassembly processor 54 integrates the fragments and passes the sequence to a decompressor 60, which delivers a decompressed signal to a playback device 24. As the received data is automatically decrypted by a decrypter as a first step, a modification of the system to allow for user control of the decryption would involve a complete redesign of the system, including the interface, and change its principle of operation.

Page 17 of 21

Appl. No. 09/824,650   Date: January 19, 2005
Examiner: Pyzocha, Michael J, Art Unit 2137   Attorney Docket No. 10112081
In response to the Office Action dated November 3, 2004

Applicant therefore submits that a *prima facie* case of obvious is not established in the rejection

of claims 1, 9, 18, 21, 22 and 26. For at least this reason, it is Applicant's belief that the

rejections should be withdrawn and the claims passed to issue. Insofar as claims 2-8, 10-17,

19-20, 23-25 and 27-29 depend from claims 1, 9, 18, 22 and 26, respectively, it is Applicant's

belief that these claims are also in condition for allowance.

The office action fails to establish a *prima facie* case of obviousness in that it does not establish

suggestion or motivation, either in the references themselves or in the knowledge generally

available to one of ordinary skill in the art, to combine reference teachings.

The prior art must suggest to one of ordinary skill in the art the desirability of the claimed

combination. *Fromson v. Advance Offset Plate, Inc.*, 755 F.2d 1549, 1556, 225 USPQ 26, 31

(Fed. Cir. 1985).

There is no teaching of the desirability of a user controlling the decryption of data received in

Payton. On the contrary, in column 5, lines 64-67, Payton teaches:

> The present invention provides *limited* subscriber interaction capabilities via the
>
> subscriber interface 44 by storing the fragments 30 in the local storage 52 until the
>
> subscriber has finished viewing or listening to the selection.

The interactive capabilities described by Payton are a pause and rewind function as one might

find on a VCR. There is no teaching or suggestion of the *desirability* of utilizing a decryption

module represented as a designated icon comprising a detection unit for sending a decryption

Page 18 of 21

signal as said designated icon is positioned on a window interface and a decryption unit for

starting decrypting encrypted channels *because the data is automatically decrypted when it*

is received. As user control of decryption is not conceived in the Payton system and, as

described above, would involve a complete redesign of the system, there would be no

motivation to implement user control by means of a drag and drop operation as described by

Wyard.

The office action states that "motivation to do so would have been to allow a user the option to

perform an option based on the drag and drop ..." *However, the user control of decryption*

is not an option taught or suggested by either Payton or Wyard. Applicant submits that the

only motivation to make such a combination comes from the Applicant's own disclosure.

Applicant therefore submits that a *prima facie* case of obvious is not established in the rejection

of claims 1, 9, 18, 21, 22 and 26. For at least this reason, it is Applicant's belief that the

rejections should be withdrawn and the claims passed to issue. Insofar as claims 2-8, 10-17,

19-20, 23-25 and 27-29 depend from claims 1, 9, 18, 22 and 26, respectively, it is Applicant's

belief that these claims are also in condition for allowance.

Whether taken alone or separately, Payton and Wyard fail to teach or suggest a system for data

encryption/decryption in a client-server architecture comprising, *inter-alia,* a data buffer for

saving encrypted channels upon receiving said decryption signal, as recited in claim 1.

In connection with the third criteria of a *prima facie* case of obviousness, MPEP 2143.03 states:

Appl. No. 09/824,650   Date: January 19, 2005
Examiner: Pyzocha, Michael J, Art Unit 2137   Attorney Docket No. 10112081
In response to the Office Action dated November 3, 2004

To establish *prima facie* obviousness of a claimed invention, all the claim limitations

must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580

(CCPA 1974). "All words in a claim must be considered in judging the patentability of

that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496

(CCPA 1970).

As noted previously, Payton teaches that a decrypter 48 decrypts each channel of a data

stream 37 *as it is received by a receiver* and passes the decrypted data fragments to a

fragment splitter 46. The fragment splitter *writes the decrypted data fragments to a buffer*

50, which in turn writes them to a local storage 52.

In contrast, claim 1 recites a system for data encryption/decryption in a client-server architecture

comprising a data *buffer for saving encrypted channels*. Neither Payton nor Wyard teach or

suggest this limitation.

Applicant therefore submits that a *prima facie* case of obvious is not established in the rejection

of claim 1. For at least this reason, it is Applicant's belief that the rejection should be withdrawn

and the claim passed to issue. Insofar as claims 2-8 depend from claim 1, it is Applicant's belief

that these claims are also in condition for allowance.

Whether taken alone or separately, Payton and Wyard fail to teach or suggest a system for data

encryption/decryption in a client-server architecture comprising, *inter-alia*, a step for receiving

and storing data encrypted in a window interface, as recited in claim 22.

Page 20 of 21

Appl. No. 09/824,650   Date: January 19, 2005
Examiner: Pyzocha, Michael J, Art Unit 2137   Attorney Docket No. 10112081
In response to the Office Action dated November 3, 2004

In Payton's system, requested items are downloaded, reassembled and played on the subscriber's playback device, where each channel of a data stream is decrypted by decrypter *as it is received by a receiver*. Thus, it is clear that the fragments are not encrypted and stored in a window interface as recited in claim 22.

Applicant therefore submits that a *prima facie* case of obvious is not established in the rejection of claim 22. For at least this reason, it is Applicant's belief that the rejection should be withdrawn and the claim passed to issue. Insofar as claims 23-25 depend from claim 22, it is Applicant's belief that these claims are also in condition for allowance.
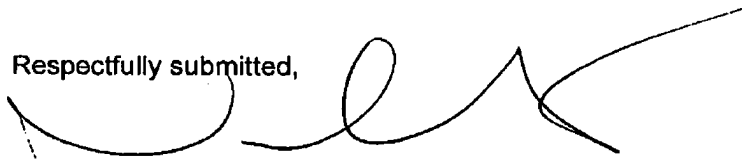
Claims 2-8, 10-17, 19-20, 23-25 and 27-29

As noted above, it is Applicant's belief that that claims 2-8, 10-17, 19-20, 23-25 and 27-29 are allowable by virtue of their dependency from claim 1, 9, 18, 22 and 26. For this the reason, the Examiner's arguments in connection with these claims are considered moot and will not be addressed here.

Conclusion

The Applicant believes that the application is now in condition for allowance and respectfully requests so.

Respectfully submitted,

Nelson A. Quintero
Reg. No. 52,143
Customer No. 34,283
Telephone: (310) 401-6180

P108945NAQ

Page 21 of 21